



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
**18 MAPLE AVE. #280**  
**BARRINGTON, RI 02806**  
[www.EqualProtect.org](http://www.EqualProtect.org)

July 21, 2025

**BY EMAIL** (OCR@ed.gov)

Craig Trainor, Acting Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

**BY EMAIL** (OCR.Denver@ed.gov)

U.S. Department of Education  
Office for Civil Rights – Denver Office  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582

**Re: Civil Rights Complaint Against University of Michigan Regarding Discriminatory Scholarship Program**

Dear Mr. Trainor and OCR Staff:

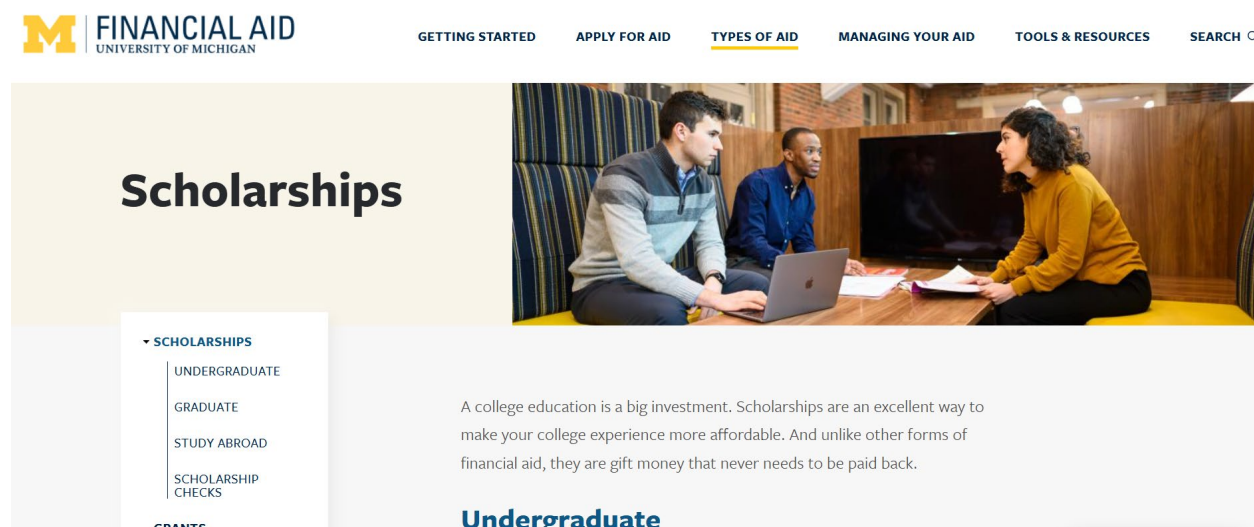
This is a federal civil rights complaint pursuant to the U.S. Department of Education's Office for Civil Rights ("OCR") discrimination complaint resolution procedures.<sup>1</sup> We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We bring this civil rights complaint against University of Michigan ("UM"), a public university, for discrimination in the Dreamer Scholarship open only to DACA/undocumented students in violation of Title VI.

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<sup>1</sup> See 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

UM offers multiple scholarships to both incoming and current students.<sup>2</sup> Students must meet the eligibility requirements to receive such awards.



The scholarship listed below is currently offered to UM students and applicants for admission, according to the UM website, and violates Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations<sup>3</sup> by illegally discriminating against students based on their national origin. Because UM is a public university, this discriminatory scholarship also violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

The scholarship listed below is available for the 2025-2026 school year.<sup>4</sup>

### **Dreamer Scholarship**

Link: <https://oami.umich.edu/dreamer-scholarship/>

Archived Link: <https://archive.is/wip/kn8N2>

Discriminatory Requirement: “This scholarship is intended to support **undocumented students** or students with **DACA status**.”<sup>5</sup>

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<sup>2</sup> <https://finaid.umich.edu/types-aid/scholarships> [<https://archive.is/wip/rfy0U>] (accessed July 20, 2025).

<sup>3</sup> 42 U.S.C. § 2000d et seq.; 28 C.F.R. Part 100.

<sup>4</sup> Emphasis (bold) in the quoted UM description of the scholarship. Links ‘live’ and in use as of July 20, 2025.

<sup>5</sup> [https://www.facebook.com/story.php?story\\_fbid=986547960178977&id=100064713457287](https://www.facebook.com/story.php?story_fbid=986547960178977&id=100064713457287) [<https://archive.ph/IK1ZM>] (accessed July 20, 2025).



The Dreamer Scholarship is “administered through the Office of Academic Multicultural Initiatives” and imposes the following Eligibility Requirements, according to the UM website<sup>6</sup> (emphasis in original):

“This scholarship is intended to support **undocumented students** or students with **DACA status**. Undergraduate and graduate students attending UM Ann Arbor are welcome to apply. Students must be currently enrolled at the University of Michigan – Ann Arbor.

The time to approve applications varies on a case-by-case basis. If all information and documentation are present, the process may take less time, but if more information or documentation is needed, it may take longer. Scholarship applications are reviewed by the OAMI Undocu Initiative Committee.”

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<sup>6</sup> <https://oami.umich.edu/dreamer-scholarship/> [<https://archive.is/wip/kn8N2>] (accessed July 21, 2025]

#### UNDOCUMENTED STUDENTS

## Dreamer Scholarship

The Dreamer Scholarship, administered through the Office of Academic Multicultural Initiatives, is available to students who cannot meet immediate, essential expenses due to hardship or emergency situations. Our goal is to provide flexible assistance in a timely manner to help students continue their studies at the University of Michigan.

OAMI will review all requests for funds but may be unable to accommodate all requests. The scholarship is distributed through the Office of Financial Aid. Therefore, the student must have enough room in their financial aid package to receive the scholarship funds. In cases where funding cannot be disbursed, OAMI staff will work with students to identify other available resources and/or alternative solutions to their needs.

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## Eligibility Requirements

This scholarship is intended to support **undocumented students** or students with **DACA status**. Undergraduate and graduate students attending UM Ann Arbor are welcome to apply. Students must be currently enrolled at the University of Michigan – Ann Arbor.

The time to approve applications varies on a case-by-case basis. If all information and documentation are present, the process may take less time, but if more information or documentation is needed, it may take longer. Scholarship applications are reviewed by the OAMI Undocu Initiative Committee.

Because DACA only applies to persons born outside the United States who meet certain additional criteria, restricting scholarship eligibility to DACA recipients constitutes discrimination based on national origin and violates Title VI. See <https://www.uscis.gov/DACA> [<https://archive.is/PfwjL>] (accessed July 20, 2025). Similarly, “undocumented” status only applies to students born outside the United States. This scholarship discriminates against American-born students.<sup>7</sup>

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<sup>7</sup> Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as UM. 42 U.S.C. § 2000(a)(a). These scholarships also violate the Michigan Elliott-Larsen Civil Rights Act, Elliott-Larsen Civil Rights Act, Mich. Comp. Laws §§ 37.2101-37.2804 (2025). Finally, these scholarships violate UM’s own nondiscrimination policy. See <https://spg.umich.edu/policy/201.35> [<https://archive.ph/wip/bQPYF>] (accessed July 20, 2025).

Regardless of UM's reasons for offering, promoting, and administering such a discriminatory scholarship, it is violating Title VI by doing so. It does not matter if the recipient of federal funding discriminates in order to advance a benign "intention" or "motivation." *Bostock v. Clayton Cnty.*, 590 U.S. 644, 661 (2020) ("Intentionally burning down a neighbor's house is arson, even if the perpetrator's ultimate intention (or motivation) is only to improve the view."); accord *Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) ("the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect" or "alter [its] intentionally discriminatory character"). "Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As UM is a public university, its offering, promoting, and administering this discriminatory scholarship also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions*, the Supreme Court declared that "[e]liminating racial discrimination means eliminating all of it .... The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal." *Id.* at 206 (cleaned up). "Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." *Id.* at 208. Consequently, "[a]ny exception to the Constitution's demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny." *Id.* at 208 (internal quotation marks and citation omitted). The scholarship at issue here cannot withstand that exacting standard.

UM's Dreamer Scholarship is presumptively invalid, and since there is no compelling government justification for such invidious discrimination, UM's offering, promotion, and administration of this scholarship violates state and federal civil rights statutes and constitutional equal protection guarantees.

### **OCR Has Jurisdiction**

UM is a public entity and a recipient of federal funds, including from the U.S. Department of Education.<sup>8</sup> It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

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<sup>8</sup> See <https://www.usaspending.gov/recipient/b68c9445-5627-e42b-33c6-f4e6d4688d9c-C/latest> [<https://archive.is/wip/O2HiD>] (accessed on July 8, 2025).

### **The Complaint Is Timely**

This complaint is timely brought because it includes allegations of discrimination based on race, color, and/or national origin. This scholarship is currently active.<sup>9</sup>

### **Request For Investigation And Enforcement**

The Office for Civil Rights has the power and obligation to investigate UM's role in creating, funding, promoting and administering this scholarship and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law.

Accordingly, we respectfully ask that the Department of Education's Office for Civil Rights promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from UM's scholarship based on discriminatory national origin criteria, and ensure that all ongoing and future scholarships and programming at UM comport with the Constitution and federal civil rights laws.

Respectfully submitted,

*/William A. Jacobson/*

William A. Jacobson, Esq.  
*President*  
Legal Insurrection Foundation  
[Contact@legalinsurrection.com](mailto:Contact@legalinsurrection.com)

*/Robert J. Fox/*

Robert J. Fox  
*Attorney*  
Legal Insurrection Foundation  
[Robert.Fox@legalinsurrection.com](mailto:Robert.Fox@legalinsurrection.com)

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<sup>9</sup> [https://oami.umich.edu/dreamer-scholarship/#:~:text=The%20Dreamer%20Scholarship%2C%20administered%20through,to%20hardship%20or%20emergency%20situations.\[https://archive.is/wip/kn8N2\]](https://oami.umich.edu/dreamer-scholarship/#:~:text=The%20Dreamer%20Scholarship%2C%20administered%20through,to%20hardship%20or%20emergency%20situations.[https://archive.is/wip/kn8N2]) (accessed July 20, 2025).